

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 23, 1955
10:00 A.M.

Council Chamber, City Hall

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

CITY OF AUSTIN :

ON THIS the 23rd day of November, 1955, the City Council of the City of Austin, Texas, convened in REGULAR SESSION at the regular meeting place thereof in the City Hall. The meeting was called to order, with Mayor Miller presiding. The roll was called showing the following:

PRESENT:

Tom Miller, Mayor
Emma Long, Councilman,
Lester E. Palmer, Councilman,
Wesley Pearson, Councilman,
Ben White, Councilman

ABSENT:

None

The following ORDINANCE was introduced by Mayor Miller.

AN ORDINANCE

BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS,
AUTHORIZING THE ISSUANCE OF WARRANTS IN THE PRINCIPAL
SUM OF FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS,
FOR THE PURPOSE OF PAYING CLAIMS TO BE INCURRED IN
PURCHASING RIGHT-OF-WAY FOR PUBLIC STREETS IN THE
CITY OF AUSTIN, INCLUDING RIGHT-OF-WAY FOR EXPRESSWAYS
AND OTHER STATE HIGHWAYS WITHIN THE CITY, AND EASEMENTS
AND RIGHT-OF-WAY FOR DRAINAGE THEREOF, AND ALL NECESSARY
AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH; LEVYING
A TAX TO PAY THE INTEREST ON SAID WARRANTS AND THE PRIN-
CIPAL THEREOF AT MATURITY; ENACTING PROVISIONS INCIDENT
AND RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE;
AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Palmer moved, seconded by Councilman White, that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

AYES: Councilmen Long, Palmer, Pearson, White, Mayor Miller

NOES: None

Absent:None

The ordinance was read the second time and Councilman Palmer moved, seconded by Councilman White, that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

AYES: Councilmen Long, Palmer, Pearson, White, Mayor Miller

NOES: None

Absent:None

The ordinance was read the third time and Councilman Palmer moved, seconded by Councilman White, that the ordinance be finally passed. The motion was carried by the following vote:

AYES: Councilmen Long, Palmer, Pearson, White, Mayor Miller

NOES: None

Absent:None

Invocation was delivered by FATHER JOSEPH F. TROY, St. Austin's Catholic Church, 2010 Guadalupe Street.

The Mayor announced the death of MR. SIMON GILLIS, a former Councilman. He stated he had served with Mr. Gillis for many years and he was a great and fine man. The Mayor stated the Flag was to fly at half-mast until after Mr. Gillis' burial. The Council stood in silent prayer and in honor of MR. GILLIS.

Councilman White moved that the Minutes of November 17, 1955, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF AUSTIN TO EXECUTE A CONTRACT WITH THE COUNTY OF TRAVIS AND THE STATE OF TEXAS FOR THE REHABILITATION OF CONGRESS AVENUE BRIDGE OVER THE COLORADO RIVER; APPROPRIATING FUNDS FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The

motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

This contract provided for the County and State each paying \$25,000 and the City to pay the remaining cost; if the cost was less than \$75,000 it is to be divided, each paying 1/3 of the cost. Twenty-five Thousand Dollars (\$25,000.00) was appropriated from the General funds for this purpose. The construction was to begin about the first of the year.

MR. W. R. TRUAX requested that he be permitted to pay for a water tap and the city furnish him water. A city water line runs in front of his house, but Mr. Truax's house is not inside of the City Limits. He stated that he would not oppose being annexed. It was brought out that another property owner had asked for a tap but had been refused. It was the feeling of the Council that if Mr. Truax put up his \$25 that he be given a tap. Mr. Truax was asked to write a letter to the City stating he would not oppose annexation if the City wants to annex. It was suggested that the other man be contacted and ask him to write a letter also. Mr. Davis, Water Superintendent, was asked to work out the details with Mr. Truax.

The Mayor read a letter from Mr. Dan W. Womack, Sr., regarding the application for a water meter at 2801 Goodwin, for Mrs. Margurite Kelley.

Pursuant to published notice thereof, the following zoning applications were publicly heard:

LINNIE D. YOUNG	2410-20 Rio Grande	From "B" Residence 2nd H&A
et al By James	701-03 West 25th St.	To "O" Office 2nd H&A
E. Crozier		RECOMMENDED by the Planning Commission

No opposition appeared. The Mayor asked those who wished to grant the change to "O" Office 2nd Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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MOLLIE C. ALLISON 609 E. 1st & 608
By Robert Mueller Driskill Street

From "B" Residence 2nd H&A
To "C" Commercial 2nd H&A
RECOMMENDED by the
Planning Commission

No opposition appeared. The Mayor asked those who wished to grant the change to "C" Commercial 2nd Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

JACK H. KEY 3202 South Congress
By Herman Jones

From "C-1" Commercial 6th H&A
To "C-2" Commercial 6th H&A
RECOMMENDED by the
Planning Commission

No opposition appeared. The Mayor asked those who wished to grant the change to "C-2" Commercial 6th Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

HARRY O. POHL & 704-06 E. 53rd St.
C. V. ANDERSON

From "A" Residence
To "LR" Local Retail
RECOMMENDED by the
Planning Commission

No opposition appeared. The Mayor asked those who wished to grant the change to "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

ROGAN GILES 3717 East Avenue &
1101-03 E. 38 $\frac{1}{2}$ St.

From "A" Residence
To "O" Office
RECOMMENDED by the
Planning Commission

Opposition was expressed by Dr. D. A. Penick, 3713 Robinson. He stated they would like to keep the property on 38 $\frac{1}{2}$ Street "A" Residence. The Mayor

asked those who wished to grant the change to "O" Office to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

RAYMOND BROWN	Missouri-Pacific RR	From "D" Industrial-Tract 1
By John D. Cofer	& Oltorf Street	& "A" Residence-Tract 2
		To "C" Commercial-Tract 1
		& "LR" Local Retail-Tract 2
		RECOMMENDED by the
		Planning Commission

No opposition appeared. The Mayor asked those who wished to grant the change to "C" Commercial and "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

MOSES J. KOURI	1141-47 Tillery St.	From "A" Residence 1st H&A
	1138-1140 1/8 Airport	To "GR" General Retail
	Boulevard	6th H&A & "C" Commercial
		6th H&A
		NOT Recommended by the
		Planning Commission
		RECOMMENDED "GR" General Retail
		6th H&A on both tracts

No opposition appeared. The Mayor asked those who wished to grant the change to "GR" General Retail to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

The Council postponed the following zoning request until Thursday, December 1st:

P. O. BROWN	5808-10 Woodrow Avenue	From "A" Residence 1st H&A
By William B. Ransom	1401-03 Koenig Lane	To "LR" Local Retail
		6th H&A

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON A TRACT OF LAND LOCALLY KNOWN AS 501-503 ELMWOOD PLACE AND 2803 SAN JACINTO BOULEVARD IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A

COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL, 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND "D" INDUSTRIAL DISTRICT TO "LR" LOCAL RETAIL DISTRICT AND "C" COMMERCIAL DISTRICT ON AN APPROXIMATE 4 ACRE TRACT OF LAND LOCATED ON BOTH SIDES OF THE WESTERLY EXTENSION OF OLTORF STREET AT ITS INTERSECTION WITH THE M.P. RAILROAD RIGHT-OF-WAY, LOCALLY KNOWN AS THE 1300 BLOCK OF THE WESTERLY EXTENSION OF OLTORF STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes; Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH BUILDERS DEVELOPMENT CORPORATION; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON AUGUST 25, 1955, BY AMENDING SECTION 1 THEREOF SO AS TO ADD THERETO A PROVISION FOR A SEWER LINE TO SERVE ADDITIONAL PROPERTY; SO AS TO CORRECTLY STATE THE COST OF PAVING INTERSECTIONS, AND TO PROVIDE FOR CITY PARTICIPATION IN CONSTRUCTION OF STORM SEWER OVER 36 INCHES IN DIAMETER; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH W. S. DRAKE; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH FRANK BARRON; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE WITH RESPECT TO THE PETITION OF SOUTHERN UNION GAS COMPANY FOR AN INCREASE IN ITS RATES FOR NATURAL GAS SERVICE IN THE CITY OF AUSTIN; DETERMINING AND FIXING MAXIMUM RATES TO BE CHARGED BY SUCH COMPANY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; MAKING IT UNLAWFUL FOR SOUTHERN UNION GAS COMPANY, OR ANY OTHER PERSON, FIRM, CORPORATION, RECEIVER OR LESSEE OPERATING A GAS DISTRIBUTION SYSTEM, OR ENGAGED IN THE BUSINESS OF FURNISHING NATURAL GAS SERVICE IN THE CITY OF AUSTIN, OR ANY OFFICER, AGENT, REPRESENTATIVE OR EMPLOYEE THEREOF TO DEMAND, EXACT OR COLLECT FROM ANY CONSUMER ANY CHARGE FOR NATURAL GAS IN EXCESS OF THE RATES FIXED HEREIN; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE OF NOT LESS THAN \$50.00 NOR MORE THAN \$200.00 FOR EACH OFFENSE; REPEALING THE GAS RATE ORDINANCE PASSED AND APPROVED DECEMBER 6, 1951; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; BUT ONLY INsofar AS THE SAME MAY BE IN CONFLICT.

The ordinance was read the first time and Councilman White moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The Council asked that the Gas Company furnish them with a comparison of the industrial users with the same cities used in the domestic comparison.

The Council took no action on the Supplemental Agreement between Southern Union Gas Company and the City of Austin for gas at the Municipal Power Plant. They wanted to study this contract and asked that they be furnished copies of the agreement.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin and the Austin Baseball Club, Inc. entered into a contract and lease agreement dated the 29th day of August, 1947, relating to the construction of fences, grandstand, playing field, lights, and other improvements by said Austin Baseball Club, Inc., on the property locally known as Disch Field, located in Butler Park; and,

WHEREAS, the City of Austin now desires to obtain control of the improvements and the leased premises prior to the expiration of said lease in the year 1962; and,

WHEREAS, it is deemed mutually beneficial to the City of Austin and to the holder of the existing lease to cancel said lease; and,

WHEREAS, the City Council deems it beneficial to execute a lease contract with E. P. Knebel of Disch Field for a term of seven (7) years with an option in the lessee to renew said lease for an additional term of eight (8) years under the terms and provisions of the contract exhibited by the City Manager to the City Council; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby directed in behalf of the City of Austin to enter into an agreement canceling the existing lease on said premises; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed in behalf of the City of Austin to enter into a lease contract with E. P. Knebel, according to the terms and provisions of the contract exhibited to the City Council.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

MR. C. O. BURKE, 1140 $\frac{1}{2}$ Gunter, appeared regarding sewage in Govalle. He was referred to the City Manager.

The Council discussed with MR. J. T. BARTON, of the firm of WADE, BARTON & MARSH, the audit of the City for the year 1955-1956. It was decided to wait until after they received the auditor's report for this year and then talk with them again.

The Director of Public Works gave a report on the paving in the City since January 1st. He stated there had been 493 blocks or 38 miles of paving this year or was under contract at the present time. This is more paving than has ever been done in one year before. The Council was pleased with this report. The Mayor asked the City Manager to make an estimate on the cost of improving a portion of West 5th Street at the intersection of Lake Austin Boulevard and see what could be done. The City Manager reported that a little over 79% of the property on East 38 $\frac{1}{2}$ Street from Duval to Peck Avenue had been signed up and the Council informally agreed to go ahead on this.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin is the owner of a certain tract of land in Austin, Travis County, Texas, being more particularly described as Tract No. 2 in the Exhibit hereunto attached; and,

WHEREAS, Fred J. Ribar and wife, Georgia O. Ribar, are the owners of a certain tract of land in Austin, Travis County, Texas, adjoining the said Tract No. 2, and which said Ribar tract is more particularly described as Tract No. 1 in the instrument hereunto attached; and,

WHEREAS, it is deemed mutually beneficial to the City of Austin and Fred J. Ribar and wife, Georgia O. Ribar, to enter into a contract with reference to the first right of acquisition of said Tract No. 2 in the event the City of Austin should ever decide to sell the same; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., the City Manager, be and he is hereby authorized and directed to execute a contract in behalf of the City of Austin with the provisions and under the terms and conditions set forth in the instrument hereunto annexed.

(Attachment)

THE STATE OF TEXAS §
 :
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the City of Austin by deed dated the 27th day of July, 1948, of record in Volume 933 at page 104 of the Deed Records of Travis County, Texas, acquired from Ernest C. Ohlendorf and wife, Lily Ohlendorf, a certain tract

of land in Austin, herein referred to as the Ohlendorf Land; and,

WHEREAS, pursuant to a contract dated the 2nd day of February, 1950, between the City of Austin and the Texas State Highway Department, which contract is of record in Minute Book 26 at page 27, of the Minutes of the City Council of the City of Austin, a system of highway or streets was constructed by the Texas State Highway Department in the City of Austin upon a part of said Ohlendorf land, as aforesaid; and,

WHEREAS, said system of highways or streets is presently so constructed that the curb line of the paved portion of one part of said highway is from 57 feet to 89 feet distant away from the south property line of that certain tract of land which is referred to herein as Tract No. 1 and which is described as follows:

TRACT NO. 1:

BEGINNING at an iron pin at the most northerly corner of that certain tract of land which was conveyed to Fred J. Ribar, et ux, by warranty deed dated October 2, 1953, of record in Volume 1406 at page 106 of the Deed Records of Travis County, Texas;

THENCE S. 60° 20' E. 148.68 feet to an iron pin on the north line of the City of Austin 1.50 acre tract of land as described in deed of record in Volume 933 at page 104 of the Deed Records of Travis County, Texas, same being the southeast corner of the herein described tract of land;

THENCE with the most southerly line of this tract S. 72° 50' W. 222.37 feet to an iron pin at the southwest corner of the herein-described tract of land;

THENCE with the west line of this tract N. 6° 46' E. 85.70 feet to an iron pin at the northwest corner of the herein-described tract of land;

THENCE N. 53° 29' E. 91.01 feet to the point of beginning; and,

WHEREAS, Fred J. Ribar and wife, Georgia O. Ribar are the owners of said Tract No. 1 which adjoins for a distance of 222.37 feet, the north side of a certain tract of land owned by the City of Austin, referred to herein as Tract No. 2, being a part of said Ohlendorf Land, and which said Tract No. 2 is described as follows:

TRACT NO. 2:

BEGINNING at an iron pin at the southeast corner of the tract of land described above as Tract No. 1, same being the northeast corner of the herein-described tract of land;

THENCE following the prolongation of the east line of the said Tract No. 1, S. 60° 20' E. to a point on the curving north curb line of the Inter-regional Highway;

THENCE following said curving north curb line of the Interregional Highway to the right, to the point of tangency of said curve;

THENCE continuing with the north curb line of the Interregional Highway in a southwesterly direction to the point of curvature of a curve in the north curb line of the said Interregional Highway;

THENCE following said curving north curb line of the Interregional Highway to the right to the point of intersection of the said curving north curb line with the prolongation of the west line of the tract of land described above as No. 1;

THENCE following the prolongation of the west line of the tract described above as Tract No. 1, N. $6^{\circ} 46'$ E. to an iron pin at the southwest corner of said Tract No. 1, same being the northwest corner of the herein-described tract of land;

THENCE with the north line of the herein-described tract and the south line of the tract described above as No. 1, N. $72^{\circ} 50'$ E. 222.37 feet to the point of beginning;

and,

WHEREAS, the City of Austin and Fred J. Ribar and wife, Georgia O. Ribar are desirous of entering into a contract with reference to said Tract No. 2; Now, Therefore,

KNOW ALL MEN BY THESE PRESENTS:

I.

In consideration of the payment to the City of Austin of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of all of which is hereby acknowledged, it is understood and agreed by and between the parties hereto that if at any time the City of Austin, acting through its duly constituted governing body, shall decide to sell said Tract No. 2, then, and in that event, the holders of record title of said Tract No. 1 shall be entitled to first opportunity to acquire said Tract No. 2 from the City of Austin, and shall pay to the City of Austin at that time in consideration for a good and merchantable title to said Tract No. 2, a sum equal to the then existing market value of said Tract No. 2, to be determined at the time of such sale by three appraisers, one of whom shall be appointed by the City, one appointed by the record title holders of said Tract No. 1 and the third to be appointed by the first two appraisers named.

II.

It is understood and agreed, however, that nothing in this contract shall be construed to be a waiver, assignment, or surrender by either party to any rights presently or in the future held by such party with reference to said Tract No. 2, and nothing in this contract shall prejudice, embarrass, or prevent either party from seeking to establish such rights as such party may have now or in the future with reference to said Tract No. 2 by such lawful means as may be available, and such acts shall in no event be construed to be a breach of this contract or in any way inconsistent with the terms of this contract.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in duplicate, effective _____, 19__.

CITY OF AUSTIN

ATTEST:

By - _____
W. T. Williams, Jr.
City Manager

City Clerk

Fred J. Ribar

Georgia O. Ribar

THE STATE OF TEXAS)
 :
COUNTY OF TRAVIS)

BEFORE ME, the undersigned authority, on this day personally appeared W. T. Williams, Jr., City Manager of the City of Austin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of the City of Austin for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office, on this the _____ day of _____, 19__.

Notary Public in and for
Travis County, Texas

THE STATE OF TEXAS)
 :
COUNTY OF TRAVIS)

BEFORE ME, the undersigned authority, on this day personally appeared Fred J. Ribar and his wife, Georgia O. Ribar, both known to me to be the persons whose names are subscribed to the foregoing instrument, and the said Fred J. Ribar acknowledged to me that he executed the same for the purposes and consideration therein expressed; and the said Georgia O. Ribar, wife of the said Fred J. Ribar, having been examined by me privily and apart from her husband and having the same fully explained to her, she, the said Georgia O. Ribar, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL of office, on this the _____ day of _____, 19__.

Notary Public in and for Travis County, Texas

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayer Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying the following described property to Will Platt, Jr., and wife, Thelma Rowe Platt, for and in consideration of the payment of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, said tract of land being described as follows, to wit:

A portion or parcel of land out of the Reuben Hornsby Grant in Travis County, Texas, and being a part of a 134.17 acre tract of land conveyed to Will Platt, et al, as recorded in Volume 606, page 590 of the Deed Records of Travis County, Texas, and being a part of a 225.96 acre tract conveyed to the City of Austin, by deed recorded in Volume 1594, page 266 of the Deed Records of Travis County, Texas, and being a part of a 42.38 acre tract of land conveyed to the City of Austin by deed recorded in Volume 1594, page 266 of the Deed Records of Travis County, Texas. Said portion of land is more particularly described by metes and bounds as follows:

BEGINNING on the bank of the Colorado River, for the most northerly corner of the tract hereby conveyed, said corner also being the more northerly corner of said 42.38 acre tract;

THENCE S. 60° 00' E. approximately 2051.42 feet to an iron pin for an angle point in the north boundary of this survey, said point being the most northern northeasterly corner of said 134.17 acre tract;

THENCE, S. 60° 05' E. 3669.39 feet to an iron pin for the most easterly corner of this tract, said corner also being the most easterly corner of said 225.96 acre tract;

THENCE, S. 29° 41' W. 1031.67 feet to an iron pin for the most southerly corner of this tract;

THENCE, N. 59° 59' W. approximately 5623.84 feet to the bank of the Colorado River for the most westerly corner of this tract;

THENCE, up the Colorado River with its meanders as follows: N. approximately 19° 51' E. 215.03 feet, N. 22° 29' E. 400 feet and N. 28° 24' E. 416.66 feet to the place of beginning.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized in behalf of the City of Austin, to accept from Will Platt, Jr., and wife, Thelma Rowe Platt, a certain easement for a sanitary sewer sludge pipe line, and in behalf of the City of Austin, to execute a contract with Will Platt, Jr., and wife, Thelma Rowe Platt, wherein is expressed the consideration for the granting of said easement, as well as setting forth certain terms and conditions, more particularly described in a copy of the contract as exhibited to the City Council by the City Manager; and,

BE IT FURTHER RESOLVED:

That the City of Austin's duplicate original of said contract be filed in the permanent files of the City Clerk's office.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor wished everybody a Happy Thanksgiving.

The Mayor stated that Phoenix and El Paso would be in the Safe Driving Contest.

The Council discussed the drainage situation of Nash Phillips and Clyde Copus in Delwood 4. The City Manager stated Mr. Phillips and Mr. Copus wanted to run a pipe along the north boundary and an open drainage ditch across the unsubdivided property to Westmoor and they wanted to know if the plan was acceptable before they go on with their utility work. The City to go along if the other drainage can be worked out.

The City Manager submitted a report from Mr. Albert R. Davis, Superintendent, Water and Sewer Department regarding the water situation on Pecan Springs Road. The City Manager stated the bond money was being spent according to the map that was submitted at the time the bonds were voted but if there was a surplus this line could be put in, maybe next summer.

The City Manager submitted a report from Mr. W. H. Klapproth, Traffic Engineer, regarding a signal light at Koenig Lane and Woodrow.

Councilman White moved that \$2,500 For additions to the dog pound, be appropriated and an additional man be employed. The motion, seconded by

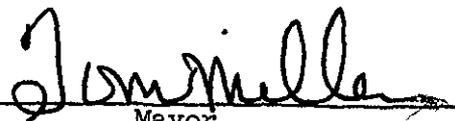
Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor asked again that they try to notify the owners of dogs picked up with a tag on.

There being no further business, the Council adjourned at 12:40 P.M., subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


Deputy City Clerk